

Applicable Requirements and Proposed Departures from Requirements
65-1,179(b)(1) and (2)

**Seaboard Foods LLC, Ladder Creek Site
Proposed Swine Facility**

REQUIREMENTS:

The permittee and facility will be required to comply with the terms of the permit including the standard condition in effect at the time the permit is issued. In general terms the permit will require:

1. The permittee shall manage the facility to prevent any possibility to create a significant water pollution potential.
2. The permittee shall not make changes in the operation of the facility without KDHE approval and permit modification if necessary. The animal unit and head capacity shall not exceed the capacity stated in the permit. There shall be no changes in the types of wastes or the quantities of waste.
3. The timing and procedures for waste irrigation and manure spreading shall be carried out in a manner that will minimize the potential for the wastes to leave the land application site and minimizes the potential to create a significant water pollution potential or create a violation of water quality standards in waters of the State.
4. Any accidental discharge, water pollution incident, and any permit violation shall be reported to the Department immediately upon discovery (within two hours).
5. The permittee shall have available a wastewater irrigation system sized to manage the expected amount of waste from the facility. The permittee shall irrigate waste as soil and weather conditions allow whenever water levels in the earthen waste retention basins are more than specified in the permit.
6. The permittee shall provide adequate buffer distances where in wastes shall not be spread around occupied buildings, parks, wildlife refuges, and streams, wells, open tile lines, sinkholes or other conduits to waters of the State.
7. Waste irrigation and spreading practices shall not exceed the moisture holding capacity of the soil nor the fertilizer requirements of the crops.
8. Manure solids shall not be stockpiled in one location for extended periods of time or in locations where runoff from the stockpile would create a significant potential for water pollution to occur.
9. The permittee shall keep written records of waste levels in the earthen waste retention basins along with records of waste irrigation and spreading and the amounts and dates where in the waste was spread for inspection by the Department.
10. Additional Standard Conditions attached to the permit if issued include:

- a. The permit and approvals do not authorize any violation of water quality standards nor shall they be used by the permittee as a defense in any enforcement action.
- b. All sampling shall be carried out in a manner that shall yield a representative sample of the material being sampled.
- c. Phone number and mailing address changes shall be reported to KDHE
- d. Describes soil sampling procedures
- e. Describes how to test samples
- f. Describes how long to keep records
- g. Permittee shall make records available and describes penalties for falsifying records
- h. Permittee shall report changes in operation. Describes what is considered a change in operation
- i. If necessary to meet permit conditions permittee shall reduce or stop waste generating activities.
- j. Permittee shall report spills and by-passes
- k. KDHE has right to enter and inspect waste management system. KDHE must follow bio-security process
- l. Permit does not convey property rights
- m. KDHE can modify or terminate permit
- n. Severability (nullification of a part of the permit does not nullify the whole permit)
- o. KDHE must be notified prior to transfer of ownership
- p. Permittee shall have and maintain a water level staff gage for the waste storage basin(s)
- q. Permittee shall use Best Management Practices (BMPs) to manage irrigation operations
- r. Permittee shall use BMPs to manage manure solids
- s. Permittee shall use BMPs when transporting wastes
- t. Permittee shall notify KDHE of intent to close
- u. Permittee shall maintain waste retention basin seepage control liner
- v. Permittee shall conduct liner testing, evaluation when required
- w. Permittee shall pay permit fees
- x. Permittee shall reapply for permit every 5 years until facility is closed.
- y. Permittee shall not stock a new facility or new portions of an existing facility until permit has been issued.
- z. Comply with and amend approved mortality, emergency, manure management, odor control, and nutrient utilization and management plans.
- aa. Properly manage expired and residual chemicals and containers
- bb. Facility shall be operated in a manner to prevent water pollution and to protect public health.
- cc. Contract for contract growers specify responsibility for management of wastes and shall be on file with the Department.
- dd. Facility shall be operated by or under the control of a certified operator.

BASIS

The basis for these requirements can be found in:

1. Kansas Statutes Annotated 65-161, 65-164 through 166, 65-171d, 65-1,178 through 65-1,190, and 65-1,196.
2. Kansas Administrative Regulations 28-18a-1 et seq., 28-18-1 et seq., Design Standards for Confined Livestock Feeding Operations, November, 1993; and
3. Title 40 Code of Federal Regulations 122.23, 412.

DEPARTURES FROM REQUIREMENTS

In accordance with KAR 28-18a-25 the permit applicant has requested and received a variance from:

- KAR 28-18a-22(h) closure time frame. The requirement to complete closure of the facility within six months has been authorized to be extended to two (2) full growing seasons (17 to 24 months).